

Annual Town Meeting April 23, 24 and 25, 2007

***NOTE:** The 2007 Annual Town Meeting minutes printed below are excerpted from the official minutes of this meeting. For the complete text of all votes taken at this meeting, contact the Town Clerk's Office.*

Pursuant to the Warrant signed by the Selectmen on February 5, 2007, Town Moderator Edward N. Perry called the 2007 Annual Town Meeting to order at 7:00 pm on April 23, 2007 at the Concord-Carlisle High School Auditorium, Cafeteria and, if necessary, the Upper Gymnasium. The Moderator declared that the meeting was properly called and that a sufficient number of voters were present to permit the meeting to be opened.

On a **MOTION** made by Virginia McIntyre and duly seconded, the following was **VOTED**:

That this meeting be held in the Concord-Carlisle Regional High School Auditorium, Cafeteria and, if necessary, the Upper Gym, and that the halls be connected by means of a public address system and loudspeakers so that the proceedings in the auditorium can be heard by all voters present in any hall.

Mr. Perry noted that he had appointed Carolyn Flood, George Dallas, Elizabeth Holmes and John Clymer to serve as Assistant Moderators at this Town Meeting, and that they had been duly sworn to the faithful and impartial discharge of their duties. On a **MOTION** made by Virginia McIntyre and duly seconded, it was **VOTED**: To elect John Clymer as the Temporary Moderator to preside over this meeting if the Moderator elected by the Town is unable to serve in that position.

Mr. Perry urged everyone to read the Finance Committee Report, the "Moderator's Notes for the 2007 Annual Town Meeting," and "Concord's Town Meeting Traditions and Procedures." Mr. Perry noted that Dr. Susan Curtin would be serving as Town Meeting Resource Person in the Auditorium. The Town's IT Director David Mickey was introduced, along with Richard Stevenson, who will serve as the Town Meeting Technical Resource Person

Fire Chief Ken Willette reviewed evacuation procedures in the event of an emergency.

Mr. Perry noted that George Sprott had been appointed Chief Teller, to be assisted by Todd Crocker and Abraham Fisher. David Allen was appointed Ballot Supervisor, to be assisted by James Reynolds, in the event of a ballot vote. Mr. Perry administered the oath of office to the Tellers and Ballot Counters.

Concord Girl Scouts and Boy Scouts brought the flags forward. Mr. Perry asked attendees to stand and observe a moment of silence and reflect on how, through this Town Meeting, our neighbors and we provide for our common good. He asked that we be reminded that the passions of the moment are not necessarily the best guide for our conduct in the future, and that if sacrifice by a few is required, the sacrifice should be only where the common goal is worthy of the sacrifice. He asked that we approach each issue, no matter how divisive, with an open heart, an open mind, and a sense of humor.

Mr. Perry thanked Town and School staff for their assistance and cooperation in preparing for Town Meeting.

Upon a **MOTION** made by Virginia McIntyre and duly seconded, it was

VOTED: That the reading of the Warrant and the Return of Service thereon be omitted.

Mr. Perry announced the reappointment of John LaMothe to the Finance Committee; the appointment of Charles Blair, Pamela Hill, David Kramer, and Maura Perkins; and the retirement from the Committee of Mavourneen Pardee, Janet Rhodes Friedman, Elise Woodward and Claude Cicchetti. He announced the availability of Green Cards.

Mr. Perry noted that at this time, he did not anticipate any motions under Articles 14, 35 and 41. He reviewed the likely schedule and the pre-scheduling of Articles 30-35. He noted that we will begin on Wednesday evening with a Special Town Meeting at 7:00 pm, followed by the continuation of the Annual Town Meeting.

Upon a **MOTION** made by Virginia McIntyre and duly seconded, it was

VOTED: That the Meeting take up no new business after 10:00 pm, and when we adjourn, we vote to reconvene in these same premises at 7:00 pm tomorrow evening, April 24th.

ARTICLE 1. CHOOSE TOWN OFFICERS

Under Article 1, Mr. Perry reported the results of the **Town Election** held on March 27, 2007.

Upon a **MOTION** made by Virginia McIntyre and duly seconded, it was

VOTED: That Article 1 remain open for such other action there under as may be necessary and that the meeting take up Article 2.

ARTICLE 2. HEAR REPORTS

Upon a **MOTION** made by Virginia McIntyre and duly seconded, it was

VOTED: To accept the reports of the various Town Officers and Committees.

Following a brief explanation by Mr. Perry of the procedures for the proposed Consent Calendar, Susan Bates made the following **MOTION** that was duly seconded:

That the 2007 Annual Town Meeting advance for consideration Articles 9, 15, 16, 17, 18, 19, 20, 21, 22, 28 and 44, and take action on such Articles without debate on any of such Articles, provided that, upon the request of five voters at this Meeting, made before the vote is taken on this motion, an Article shall be dropped from the Consent Calendar and shall be acted upon in the ordinary course of business at this Town Meeting.

After reading the motion and giving a brief explanation of each article, the Moderator inquired as to whether there was a request to drop any of the Articles from the Consent Calendar motion. One request was made for Article 16, which did not meet the minimum of five required. Upon a show of hands, the Consent Calendar was **UNANIMOUSLY VOTED**, and so declared by the Moderator, as follows:

CONSENT CALENDAR *(Articles 9, 15, 16, 17, 18, 19, 20, 21, 22, 28, and 44)*

ARTICLE 9. PERSONNEL BYLAW AMENDMENT—HOURS OF WORK

Upon a **MOTION** duly made and seconded, it was

VOTED: To amend the Personnel Bylaw regarding hours of work.

ARTICLE 15. PROPERTY TAX EXEMPTION

Upon a **MOTION** duly made and seconded, it was

VOTED: To accept the provisions of §4 of Ch. 73 of the Acts of 1986 as amended by Ch. 126 of the Acts of 1988, and to increase by 100% the amount of property tax exemption granted to persons who qualify for said exemption under clauses 17, 17C, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B and 41C of §5 of Ch. 59 of the MGL.

ARTICLE 16. LIGHT PLANT PAYMENT IN LIEU OF TAXES

Upon a **MOTION** duly made and seconded, it was

VOTED: That the Town vote to authorize a transfer of \$340,000 from the Operating Fund of the Light Plant to be used by the Board of Assessors to reduce the tax levy for FY 2008.

ARTICLE 17. LIGHT PLANT EXPENDITURES

Upon a **MOTION** duly made and seconded, it was

VOTED: That the income from sales of electricity, and from servicing and jobbing during the ensuing fiscal year, together with the balance of operating cash in the Light Plant, be expended without further appropriation under the direction and control of the Town Manager for the expenses of the Light Plant.

ARTICLE 18. ROAD REPAIR REVOLVING FUND EXPENDITURES

Upon a **MOTION** duly made and seconded, it was

VOTED: That the income and fees paid by applicants to the Commissioners of Public Works for permits to dig up, alter or disturb a public way, in an amount not to exceed \$120,000, be expended without further appropriation for the purpose of repairing, restoring, maintaining and inspecting public ways.

ARTICLE 19. SOLID WASTE DISPOSAL FUND EXPENDITURES

Upon a **MOTION** duly made and seconded, it was

VOTED: That the income from user fees for solid waste disposal services by Concord Public Works be expended without further appropriation under the direction and control of the Town Manager.

ARTICLE 20. SEWER SYSTEM EXPENDITURES

Upon a **MOTION** duly made and seconded, it was

VOTED: That the income from user fees, special service fees and jobbing services by the Water and Sewer Division of Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Sewer Fund, be expended without further appropriation under the direction and control of the Town Manager.

ARTICLE 21. SEWER IMPROVEMENT FUND EXPENDITURES

Upon a **MOTION** duly made and seconded, it was

VOTED: That the income from sewer improvement fees during the ensuing fiscal year, together with the balance of operating cash in the Sewer Improvement Fund, be expended without further appropriation under the direction and control of the Town Manager.

ARTICLE 22. WATER SYSTEM EXPENDITURES

Upon a **MOTION** duly made and seconded, it was

VOTED: That the income from user fees, special service fees, and jobbing services by the Water and Sewer Division of Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Water Fund, be expended without further appropriation under the direction and control of the Town Manager.

ARTICLE 28. AMBULANCE REPLACEMENT

Upon a **MOTION** duly made and seconded, it was

VOTED: To appropriate the sum of \$195,000, to be expended under the direction of the Town Manager, for the purchase of a replacement ambulance, and to authorize the Treasurer to borrow said sum, with approval from the Board of Selectmen.

ARTICLE 44. MOTOR BOAT BYLAW AMENDMENT

Upon a **MOTION** duly made and seconded, it was

VOTED: To amend the Motor Boat Bylaw by deleting the phrase "...or any speed in excess of 10 MPH" and inserting in its place the phrase "or any speed in excess of 'no wake' speed."

End of Consent Calendar

ARTICLE 3. MEETING PROCEDURE

Upon a **MOTION** made by Susan Bates and duly seconded, it was

VOTED: To adopt a Rule of the Meeting governing requirements on motions and amendments to motions made under articles concerning expenditures, in order to assure compliance with the requirements of Proposition 2½.

ARTICLE 4. SECRET BALLOT VOTING PROCEDURE

The following **MOTION** was made by Peggy Briggs and duly seconded:

That the 2007 Annual Town Meeting adopt the following Rule for the conduct of the 2007 Annual Town Meeting:

On any vote at this Meeting, the vote shall be taken by secret ballot if 100 voters present at the Meeting so request before the Moderator calls for a vote to be taken.

A **MOTION TO AMEND** was made by Charles Blair, and duly seconded. The amendment, which proposed changing "100 voters" to "100 or 10% of those present, whichever number is smaller" failed to pass. A vote was then taken on Ms. Briggs' original motion, which **PASSED** on a show of hands.

ARTICLE 5. INCLUSION OF ADMINISTRATIVE COSTS FOR ADULT ED IN CCHS BUDGET (by petition)

Upon a **MOTION** made by Phebe Ham and duly seconded, it was

VOTED: To request the Concord-Carlisle Regional School Committee consider including some of the administrative costs of the Adult & Community Education Program in the FY09 operating budget. Furthermore, it was requested that a live, televised hearing be held in the Town House on a Tuesday, Wednesday or Thursday evening in September 2007, allowing citizens of both Concord and Carlisle to be heard on this matter.

ARTICLE 6. SECRET BALLOT FOR SCHOOL BUDGETS (by petition)

A **MOTION** was made by Phebe Ham and duly seconded to require that a secret ballot be taken on all approvals or modifications of annual budgets for the Concord Public Schools and Concord-Carlisle Regional Schools, beginning in 2008. On a show of hands, this **MOTION FAILED TO PASS**.

ARTICLE 7. RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS

Upon a **MOTION** made by David Stiffler and duly seconded, it was

VOTED: To ratify the Personnel Board's actions to amend the Classification and Compensation Plan for Town employees for FY2007.

ARTICLE 8. CLASSIFICATION & COMPENSATION PLAN FOR REGULAR STATUS EMPLOYEES

Upon a **MOTION** made by David Stiffler and duly seconded, it was

VOTED: To amend the Classification and Compensation plans for all regular status Town employees, effective July 1, 2007.

ARTICLE 9. Voted previously under Consent Calendar.

ARTICLE 10. TOWN BUDGET

After presentations by Finance Committee Chair Susan Bates and Town Manager Christopher Whelan, and upon a **MOTION** made by Christopher Whelan and duly seconded, it was

VOTED UNANIMOUSLY: To raise and appropriate the following sums of money for the necessary and expedient purposes of the Town for the fiscal year ending June 30, 2008, and that the same be expended only for such purposes under the direction of the Town Manager:

<u>No.</u>	<u>Department</u>	<u>Appropriation</u>
General Government		
1A	Town Manager	\$ 262,835
1C	Town-wide building maintenance	<u>120,000</u>
	TOTAL Town Manager Acct.#1	\$ 382,835
2	Legal Services	\$ 250,000
3A	Elections	\$ 34,597
3B	Registrars	<u>9,602</u>
	TOTAL Elections & Registrars Acct. #3	\$ 44,199
4	Town Meeting & Reports	\$ 79,850
<u>5</u>	<u>Planning and Land Management</u>	
5A	Planning	\$ 215,125
5B	Board of Appeals	40,750
5C	Natural Resources	170,037
5D	Inspections	314,592
5E	Health	<u>208,662</u>
	TOTAL Planning & Land Management	\$ 949,166
6	141 Keyes Road	62,163
	Total General Government	<u>\$ 1,768,213</u>
Finance and Administration		
7	Finance Committee	\$ 1,275
8	Personnel Administration	\$ 135,501
<u>9</u>	<u>Finance Department</u>	
9A	Administration	\$ 207,755
9B	Treasurer-Collector	212,003
9C	Town Accountant	116,481
9D	Assessors	347,092
9E	Town Clerk	177,849
	TOTAL Finance Department	<u>\$ 1,061,180</u>
10	Information Systems	\$ 328,570
11	Town House	<u>\$ 95,676</u>
	Total Finance and Administration	<u>\$ 1,622,202</u>

Public Safety

12	Police Department	\$ 3,296,412
13	Fire Department	3,036,967
14	West Concord Fire Station	45,433
15	Police and Fire Station	249,829
16	Emergency Management	37,160
17	Animal Control	17,626
Total Public Safety		\$ 6,683,427

Public Works and Facilities

18	CPW Administration	\$ 138,412
19	Engineering	328,949
20	Highway Maintenance	1,016,005
21	Snow Removal	444,750
22	Parks and Trees	516,402
23	Cemetery	57,676
24	Street Lighting	69,640
25	CPW Equipment	265,000
26	Drainage Program	160,000
27	Sidewalk Management	90,000
28	133/135 Keyes Road	95,730
Total Public Works and Facilities		\$ 3,182,564

Human Services

29	Library	\$ 1,621,324
30	Recreation Administration	82,308
31	Hunt Recreation Center	104,241
33	Harvey Wheeler Community Center	119,212
34	Council on Aging	206,119
35	Veterans Services and Benefits	29,440
36	Ceremonies and Celebrations	23,850
37	Information Center	28,074
Total Human Services		\$ 2,214,568

Unclassified

38	Town Employee Benefits	\$ 72,000
39	Reserve Fund	225,000
40	Salary Reserve	550,000
42	Road Improvements	80,000
Total Unclassified		\$ 927,000

Subtotal, accounts 1–42*for reference only***(Finance Committee Guideline)****\$16,397,974****Joint (Town-CPS)**

43A	Group Insurance	\$ 3,600,000
43B	Property and Liability Insurance	<u>225,000</u>

	TOTAL Insurance Acct.#44	\$ 3,825,000
44	Unemployment & Workers' Comp.	\$ 200,000
45	Retirement	\$ 2,380,000
46	Social Security & Medicare	\$ 522,000
47A	Debt Service - within levy limit	\$ 2,875,000
47B	Debt Service - excluded from levy limit	\$ 2,585,182
	TOTAL Debt Service Acct.#47	\$ 5,460,182
	Total Joint Accounts	\$12,387,182
TOTAL ARTICLE 10		\$ 28,785,156

ARTICLE 11. PUBLIC SCHOOL BUDGET

After a presentation by CPS Chair Jan McGinn, upon a **MOTION** made by Ms. McGinn and duly seconded, the following was:

VOTED: That the Town raise from the tax levy and appropriate the sum of \$26,423,840 for the necessary and expedient purposes of the support of the public schools for the fiscal year ending June 30, 2008; and that the same be expended only for such purposes and under the direction of the Concord School Committee.

ARTICLE 12. REGIONAL SCHOOL BUDGETS

Motion 1. Concord-Carlisle Regional School

Following a presentation by CCRSD Chair Michael Fitzgerald of Carlisle, and upon a **MOTION** made by Jerry Wedge that was duly seconded, the following was:

VOTED: That the Town raise from the tax levy and appropriate the Town's apportioned share of \$12,667,974 for the Concord-Carlisle Regional School District for the fiscal year ending June 30, 2008; and that the same be expended only for such purposes and under the direction of the Concord-Carlisle School Committee.

Motion 2. Minuteman Regional Vocational Technical School District

Upon a **MOTION** made by John Lang and duly seconded, it was

VOTED: To raise from the tax levy and appropriate the Town's apportioned share of \$604,702 for the Minuteman Regional Vocational Technical School District assessment for the fiscal year ending June 30, 2008.

ARTICLE 13. FREE CASH USE

Upon a **MOTION** made by Susan Bates and duly seconded, it was

VOTED: To authorize and direct the Assessors to take \$500,000 from Free Cash to reduce the tax levy for the fiscal year ending June 30, 2008.

ARTICLE 14. UNPAID BILLS

There was **NO MOTION** under this Article.

ARTICLES 15-22. Voted previously under Consent Calendar.

ARTICLE 23. BEEDE SWIM & FITNESS CENTER ENTERPRISE FUND; FY2008 BUDGET

Upon a **MOTION** made by Christopher Whelan and duly seconded, the following was

VOTED: To appropriate the sum of \$2,300,000 from the estimated revenues of the Community Pool Enterprise Fund for the fiscal year beginning July 1, 2007, to be expended under the direction of the Town Manager for the operating expenses of the Beede Swim & Fitness Center, \$2,250,000 of said sum for direct expenses of the Center during FY2008 and \$50,000 of said sum to be transferred to the General Fund for indirect services and for reimbursement payments during FY2008.

ARTICLE 24. 2007 ROAD PROGRAM

Upon a **MOTION** made by Sally Schnitzer and duly seconded, the following was

VOTED BY A TWO-THIRDS MAJORITY, and so declared by the Moderator: To appropriate the sum of \$300,000 for the reconstruction or renovation of roads and streets within the town and for traffic signals, and that to meet said appropriation, the Town authorize the Town Treasurer with the approval of the Board of Selectmen to borrow the sum of \$300,000; and that the Town Manager be authorized to accept and expend state and/or county grants as may be available for the same purpose.

ARTICLE 25. CONCORD PUBLIC SCHOOLS RENOVATIONS

Upon a **MOTION** made by Peter Fischelis and duly seconded, the following was

VOTED BY A TWO-THIRDS MAJORITY, and so declared by the Moderator: To appropriate the sum of \$860,000 to be expended under the direction of the School Committee for remodeling, reconstructing or making extraordinary repairs, and related work at various Concord Public School facilities, and for the purchase of computer software, and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen be authorized to borrow \$860,000.

ARTICLE 26. CCHS IMPROVEMENTS

Upon a **MOTION** made by Jerry Wedge and duly seconded, the following was

VOTED: To approve \$1,245,000 of debt authorized by the Concord-Carlisle Regional School District for the purposes of financing replacement of the transportation building, the human resource and financial management system, the repair and renovation to heating systems, cafeteria renovations, science lab improvements, fire alarm detection system(s), lighting, and space constraints, provided that the amounts required to pay the town's assessable share of the bonds to be issued by the Concord-Carlisle Regional School District are voted by the Town to be exempt from the limitation of taxes imposed by Proposition 2½.

At 10:05 pm, a **MOTION TO ADJOURN** was duly made, seconded, and **VOTED**.

Adjourned Session—April 24, 2007

Mr. Perry called the second session of the 2007 Annual Town Meeting to order at 7:00 pm.

Upon a **MOTION** made by Virginia McIntyre and duly seconded, it was

VOTED: That the Meeting take up no new business after 10:00 pm, and when we adjourn, we vote to reconvene in these same premises after the Special Town Meeting on April 25th in the same location.

Articles 30 through 35 were designated as high interest articles, and pre-scheduled to be taken up at the beginning of the meeting on April 24th. Due to the intertwining of Articles 30 through 32, Mr. Perry agreed to have the Motion and presentation made under Article 30, followed by a brief explanation of the Motions to be made under Articles 31 and 32, so that voters will understand the essence of the three related Articles.

ARTICLE 30. PLAYING FIELDS FUNDING

The following **MOTION** was made by Greg Howes and duly seconded:

That the Town vote to appropriate the sum of \$1,500,000 to be expended under the direction of the Town Manager for the construction of recreational and athletic fields, said fields to be located at the Concord-

Carlisle Regional High School and 33X Old Bedford Road Ammendolia Land; and that to meet this appropriation the Treasurer with the approval of the Selectmen be authorized to borrow \$1,500,000.

Presentations were made by Town Manager Christopher Whelan and proponent Dekkers Davidson, speaking on behalf of the sports leagues. Mr. Perry then called upon Connie Levine to present an overview of Article 31, but she was not present in the Auditorium, so the meeting moved on to Article 32. Gary Clayton, Chair of the Community Preservation Committee, presented a brief overview of the motion and proposal under Article 32. Mr. Perry then called for Ms. Levine, but hearing no response, continued with a presentation from Regional School Committee member Peter Fischelis. In Ms. Levine's absence, Mr. Perry read the summary of Article 31 that appeared in the Finance Committee Report.

After considerable discussion, at 8:20 pm Philip Phalon made the following **MOTION TO AMEND** Article 30, which was duly seconded:

Amend Article 30 by deleting the phrase "to be" after "said fields" and inserting in its place the following:

"to include constructing only the west field as currently planned, but not the east field, resodding the JV field and improving the lighting and installing turf as part of this project on the present football field."

A **MOTION** was made by Nancy Burnham and duly seconded that we vote on this amendment and the main motion by paper ballot. A vote was then taken by a show of hands as to whether we use a secret ballot for Mr. Phalon's amendment. This passed, with more than 100 voters voting in favor. A vote on a secret ballot for the main motion was held until later in the proceedings.

Discussion continued until 8:53, when Johanna Hunter made a **MOTION TO CALL THE QUESTION** on the amendment, which was duly seconded. This passed by a two-thirds majority, and was so declared by the Moderator. The secret ballot process then began on Mr. Phalon's amendment at 8:58 pm. Once the ballots left the room at 9:08 pm, Ms. Levine presented an overview of Article 31. Discussion continued under Article 30 until 9:47, when Ray Bruttomesso made a **MOTION TO CALL THE QUESTION** on Article 30, which was duly seconded. Mr. Perry asked Mr. Bruttomesso to hold his motion, since we don't have the vote back on Mr. Phalon's amendment. Discussion continued briefly, and at 9:49 pm Mr. Perry reported the vote on Mr. Phalon's amendment. With 1,284 votes cast, 347 voted in favor, and 933 opposed (4 votes were disallowed). Mr. Phalon's amendment **DID NOT PASS**.

A vote was then taken on Mr. Bruttomesso's motion to call the question, which **PASSED BY A TWO-THIRDS MAJORITY** on a show of hands, and was so declared by the Moderator. A vote was then taken on whether the vote under Article 30 should be taken by secret ballot (Ms. Burnham's earlier motion), which **PASSED WITH 100+** voting in favor. The secret ballot process began on Article 30 at 9:54 pm, and the ballot boxes were collected and left the room at 10:04 pm.

ARTICLE 31. WALDEN WOODDS AT CCHS—CONSERVATION RESTRICTION (by petition)

The following **MOTION** was made by Connie Levine and duly seconded:

That the Town Meeting instruct the Town of Concord to take steps necessary to protect and preserve in perpetuity the Walden Woods located at Concord-Carlisle Regional School, by acquiring from the Regional School District a property interest in and/or a Conservation Restriction or other effective restriction on that land in order to preserve the land in its predominantly natural state in perpetuity.

After discussion, at 10:24 pm Dekkers Davidson made a **MOTION TO CALL THE QUESTION** under Article 31, which was duly seconded. Mr. Perry deferred Mr. Davidson's motion, since he had told three additional speakers that they would have an opportunity to be recognized. After those speakers concluded their remarks, at 10:35 pm a vote was taken on Mr. Dekkers' motion, which **PASSED BY A TWO-THIRDS MAJORITY**, and was so declared by the Moderator. A vote was then taken on Ms. Levine's motion under Article 31, which **FAILED TO PASS**.

ARTICLE 32. COMMUNITY PRESERVATION COMMITTEE RECREATIONAL PLAYING FIELDS APPROPRIATION RECOMMENDATION

The following MOTION was made by Gary Clayton and duly seconded:

Pursuant to the recommendation of the Community Preservation Committee, the Town appropriate \$1,500,000 from the Community Preservation Fund, of which \$958,000 shall come from the undesignated fund balance at June 30, 2006 and \$542,000 shall come from the projected Fiscal Year 2008 Fund Revenues, for the purpose of creating recreational and athletic fields on land of the Concord-Carlisle Regional School District.

At 10:40 pm Mr. Perry reported on the results of the counted ballot on Article 30, which failed to receive a two-thirds majority (1,264 votes cast, with 802 voting in favor and 459 opposed, and 3 ballots disallowed). Discussion continued until 10:49 pm, when Philip Swain made a **MOTION TO RECONSIDER** Article 30, which was duly seconded. Mr. Perry explained that a motion to reconsider is allowed within the Town's bylaws, and voters should have been on notice that this could happen. After further discussion, at 11:10 pm, a **MOTION TO CALL THE QUESTION** under Article 32 was made by Patricia Popov and duly seconded, which **PASSED BY A TWO-THIRDS MAJORITY**, and was so declared by the Moderator.

A vote was then taken on Mr. Clayton's motion, which **PASSED** by majority vote.

At 11:13 pm, discussion returned to the reconsideration question under Article 30. Mr. Perry reviewed the process for reconsideration, which was followed by discussion. At 11:25 pm, Bill Barrett made a **MOTION TO CALL THE QUESTION** on reconsideration, which was duly seconded and **PASSED BY A TWO-THIRDS MAJORITY**, and was so declared by the Moderator.

A standing count vote was then taken on the motion to reconsider, which passed (with 934 voting, and 606 voting in favor and 328 opposed). A **MOTION** to vote by secret ballot was made and duly seconded. On a show of hands, this passed with 100+ voters voting in favor of a secret ballot. Discussion continued until 12:14 am, when Erik Jarnryd made a **MOTION TO CALL THE QUESTION**, which was duly seconded, and **PASSED BY A TWO-THIRDS MAJORITY**, and was so declared by the Moderator. At 12:15 am, the ballot process began, and the ballots left the room at 12:28 am.

At 12:28 am, there was a **MOTION TO ADJOURN** the meeting, which was duly seconded and **VOTED**, to reconvene tomorrow night, starting with Articles 33 and 34, then adjourning to the Special Town Meeting, then returning to the Annual Town Meeting.

At 12:55 am, the vote under Article 30 was announced for those remaining in the room. The **MOTION PASSED** (with 937 votes cast, and 678 voting in favor, and 258 opposed, with 1 ballot disallowed).

Adjourned Session—April 25, 2007

Mr. Perry called the third session of the 2007 Annual Town Meeting to order at 7:00 pm.

Mr. Perry expressed gratitude to the Regional School Committee, Principal Arthur Dulong, faculty, students and staff of Concord-Carlisle Regional High School for accommodating Town Meeting in this building. Peggy Briggs, speaking on behalf of the Selectmen, recognized Town employees with 25+ years of service, along with those retiring this year. Virginia McIntyre recognized Phil Benincasa, who is retiring from the Board of Selectmen after this Town Meeting, thanking him for his service to the Town. School Committee Chair Jerry Wedge recognized those CPS and CCRSD employees with 25+ years of service, along with those who are retiring this year. He also recognized Betsy Bilodeau, who is retiring from the School Committee after this Town Meeting, thanking her for her many years of service to the community.

ARTICLE 33. COMMUNITY PRESERVATION COMMITTEE EXPENDITURE RECOMMENDATIONS

The following **MOTION** was made by Gary Clayton and duly seconded:

Pursuant to the recommendation of the Concord Community Preservation Committee, the Town appropriate \$1,431,383 from the Concord Community Preservation Fund, of which \$454,422 shall come from the undesignated fund balance at June 30, 2006, and \$976,961 shall come from the projected FY2008 fund revenues, to be expended under the direction of the Town Manager, for the following:

Item	Project/Description	Amount	Category	Source of Funds	
				Prior Year Fund Balance	FY08 CPA Fund Revenues
A	Concord Housing Authority Elderly Housing, Ammendolia Land	\$60,000	Housing		\$60,000
B	Town of Concord Harvey Wheeler Clock Tower	40,000	Historic Preservation		40,000
C	Concord Housing Development Corp. Feasibility Studies and Land Acquisition	100,000	Housing		100,000
D	FOPAC, 51 Walden Stage renovation	60,000	Historic Preservation		60,000
E	Scout House Structural repairs	15,000	Historic Preservation		15,000
F	Friends West Concord Depot Railroad Station exterior renovation	220,000	Historic Preservation		220,000
G	Thoreau Farm Trust Renovation Thoreau birthplace	200,000	Historic Preservation		200,000
H	Save Our Heritage Barrett Farm House	200,000	Historic Preservation	141,938	58,062
I	Town of Concord Administrative Expenses	30,000	Administrative	30,000	
J	Housing Reserve	213,245	Housing	141,242	72,003
K	Open Space Reserve	293,138	Open Space	141,242	151,896
Totals		\$1,431,383		454,422	976,961

ARTICLE 34. REDESIGNATING 2006 TOWN MEETING COMMUNITY PRESERVATION FUNDS APPROPRIATED FOR AFFORDABLE HOUSING COMMITTEE TO CONCORD HOUSING DEVELOPMENT CORPORATION

Upon a **MOTION** made by Gary Clayton that was duly seconded, the following was

UNANIMOUSLY VOTED: To re-designate and transfer the sum of \$79,000, originally designated for the Affordable Housing Committee, as appropriated under Item A of Article 28 at the Concord 2006 Annual Town Meeting, to the Concord Housing Development Corporation.

At 7:45 pm, after concluding the business under Article 34, Mr. Perry temporarily adjourned the Annual Town Meeting, and called the Special Town Meeting to order.

At 8:16 pm, upon adjournment of the Special Town Meeting, the Annual Town Meeting was reconvened.

Mr. Perry noted that he had received several phone calls today from residents on both sides of the playing fields issue complaining about the process last evening. He acknowledged that some speakers were allowed to go beyond their allotted time, and he will initiate a process to adhere to agreed-upon times more closely in the future.

ARTICLE 27. WARNER'S POND DAM REHABILITATION

Upon a **MOTION** made by James Smith and duly seconded, the following was

VOTED BY TWO-THIRDS MAJORITY, and so declared by the Moderator: To appropriate the sum of \$400,000 to be expended in connection with the previous appropriation authorized under Article 29 of the 2006 Annual Town Meeting, under the direction of the Town Manager, for the reconstruction of the Warner's Pond Dam, and to authorize the Treasurer, with approval of the Selectmen, to borrow \$400,000.

ARTICLE 28. Voted previously under Consent Calendar.

ARTICLE 29. LOCAL OPTION ACCEPTANCE, CH. 32B, §18, HEALTH PLAN COVERAGE FOR RETIREES

Upon a **MOTION** made by Christopher Whelan and duly seconded, the following was

VOTED: To accept the provisions of Chapter 32B, §18 of the MGL, which would require Medicare-eligible retirees to be covered by a Medicare extension plan.

ARTICLE 35. There was **NO MOTION** under this Article.

ARTICLE 36. BILL TO PROHIBIT DRIVING IN MASSACHUSETTS WHILE USING HAND-HELD CELL PHONES (by petition)

Upon a **MOTION** made by Dr. Henry Vaillant and duly seconded, the following was

VOTED: To request that the Board of Selectmen ask our Legislative representatives to file and seek passage of legislation to amend MGL to prohibit hand-held cellular phone use by drivers of moving vehicles on the roads and highways of Massachusetts.

ARTICLE 37. There was **NO MOTION** under this Article.

ARTICLE 38. AMENDMENTS TO HISTORIC DISTRICTS SPECIAL ACT

Upon a **MOTION** made by Karle Packard and duly seconded, the following was

VOTED: To amend Chapter 345 of the Acts of 1960, as amended, by making changes to the languages in Sections 4, 8 and 10.

Mr. Perry announced the results of last evening's votes under Article 30 (passed by a 2/3 majority); Article 31 (failed); and Article 32 (passed).

ARTICLE 39. EXTENSION OF MAIN STREET HISTORIC DISTRICT (by petition)

The following **MOTION** was made by Mark Scerra and duly seconded:

To extend the Main Street Historic District westward to include the property located at 616 Main Street and 631 Main Street.

Kenneth Miller made a **MOTION TO AMEND** Mr. Scerra's motion, by deleting the property at 616 Main Street. After discussion, at 9:54 pm a vote was taken on Mr. Miller's **MOTION TO AMEND**, which **PASSED** on a show of hands. A vote was then taken on Mr. Scerra's original motion as amended, which **FAILED TO PASS** by the required two-thirds majority, and was so declared by the Moderator.

ARTICLE 40. ZONING BYLAW AMENDMENT—ADDED USES IN A LIMITED INDUSTRIAL PARK (by petition)

Upon a **MOTION** made by Rick Oleson and duly seconded, the following was

VOTED BY A TWO-THIRDS MAJORITY, and so declared by the Moderator: To amend the Zoning Bylaw to enhance the future development of a unique area, which is named Limited Industrial Park #1 district, and which contains a Superfund site, after it has been remediated by the U.S. Environmental Protection Agency, by allowing certain residential uses that are compatible with surrounding residential neighborhoods and other residential uses.

ARTICLE 41. There was **NO MOTION** under this Article.

ARTICLE 42. DOG BYLAW AMENDMENT

Upon a **MOTION** made by Christopher Whelan and duly seconded, the following was

UNANIMOUSLY VOTED: To amend Section 4 of the Dog Bylaw to clarify the Town's authority to issue additional fines for continuing or recurring offenses.

ARTICLE 43. There was **NO MOTION** under this Article.

ARTICLE 44. Previously approved under Consent Calendar.

The meeting concluded with the business of the Warrant, and upon a **MOTION** duly made and seconded, the 2007 Annual Town Meeting adjourned and dissolved at 10:37 pm.

Respectfully submitted,

Anita S. Tekle
Town Clerk